

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ROSS DRESS FOR LESS, INC.,  
Plaintiff,**

**vs.**

**ML DEVELOPMENT LP  
Defendant**

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§  
§

**C.A. NO. 4:20-cv-00978**

**(Jury Requested)**

**AFFIDAVIT OF ATTORNEY'S FEES AND EXPENSES**

**BEFORE ME**, the undersigned authority, on this day personally appeared Misty A. Hataway-Coné, who swore on oath that the following facts are true:

“My name is Misty A. Hataway-Coné. I am over 18 years of age, of sound mind, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct to the best of my knowledge. I am an attorney duly licensed to practice in the State of Texas and admitted to the practice of law before the United States Supreme Court, the United States Court of Appeals, Fifth Circuit, and the United States District Courts for the Southern District of Texas and the Western District of Texas. In 2001, I received a doctorate of jurisprudence from South Texas College of Law. For over the last nineteen years, I have practiced law focusing on complex civil litigation and appeals representing clients in all stages of litigation.”

“I am the attorney of record for ML Development LP in the above-referenced matter. I am an attorney duly licensed to practice in the State of Texas. My Texas State Bar number is 24032277. I am the managing partner and owner of Coné PLLC.”

“I am an authorized custodian of records for Coné PLLC. The records are kept by Coné PLLC in the regular course of business. It is the regular course of business of Coné PLLC for an employee with knowledge of the act, event, condition, opinion, or transaction, recorded to make

records or transmit information thereof to be included in the records.”

“I am familiar with the services that are necessary to handle litigation of similar matters, as well as the fees reasonably charged in connection therewith in Harris County, Texas. It is my testimony that an hourly rate of \$275.00 per hour is a reasonable rate in Harris County, Texas.”

“I am familiar with the legal services performed by McCormick | Landry Munoz, PLLC. I am also familiar with the services that are necessary to handle litigation of similar matters, as well as the fees reasonably charged in connection therewith in Harris County, Texas. It is my testimony that Andrew McCormick’s hourly rate of \$350.00 per hour is a reasonable rate in Harris County for an attorney who is board certified in civil trials by Texas Board of Legal Specialization since 1991. Furthermore, it is my testimony that Laurie Munoz’s hourly rate of \$295.00 per hour is also a reasonable rate in Harris County for an attorney who worked as a legal secretary for twenty years and has been licensed to practice law since May of 2013.”

“The total amount of attorney’s fees and expenses incurred are \$29,765.50. ML Development, LP’s legal counsel has spent approximately 203 hours preparing this case in this matter. The hours spent in this proceeding are both reasonable and necessary for the work performed. Specifically, the legal services provided included, but were not limited to: reviewing the file, reviewing the complaint, drafting letters to opposing counsel; drafting and filing an answer to complaint; email communications with client and opposing counsel; reviewing scheduling orders; calendaring deadlines; revising answers with affirmative defenses; reviewing documents; drafting a motion to extend deadline to file answer; revising an answer and counter claim; telephone calls to client and opposing counsel; preparing defendant’s initial disclosures; communicating and advising ML Dev regarding an agreed protective order; preparing responses and objections to discovery requests; drafting discovery requests; drafting notice of depositions;

communications with an appellate attorney; appellate attorney review of case file and advice on case strategy; preparation for and attendance in depositions; drafting ML Dev's motion for summary judgment and preparation of supporting exhibits and proposed order; drafting responses to summary judgment; preparation for and attendance in the hearing on cross-motions for summary judgments; drafting supplemental briefing on accord and satisfaction; and drafting a response to Plaintiffs' Motion to Reconsider."


"Taking into consideration the factors of: (1) the time and labor required; (2) the novelty and difficulty of the questions involved; (3) the skill requisite to perform the legal services properly; (4) the preclusion of other employment by the attorney; (5) the fee customarily charged in the locality for similar legal services; (6) the amount involved and the results obtained; (7) the time limitations imposed by the client or circumstances; (8) the nature and length of the professional relationship with the client; (9) the experience, reputation, and ability of the attorney performing the services; and (10) whether the fee is fixed or contingent on results obtained, in my opinion, the reasonable sum of \$29,765.50 is a reasonable and necessary amount of attorney's fees and costs and is in accordance with the attorney's fees normally and customarily charged in litigation of the type now before the Court.

Additionally, I have reviewed all of ML Development, LP's invoices for all counsel involved in this litigation, which detail the hours spent and the legal services rendered. The invoices are attached hereto as Exhibit 2-A. The invoices further support the conclusion that the total amount of \$29,765.50 constitute reasonable attorney's fees for the legal services render in this case."


"Further, the paralegal and legal assistants assigned to this case: (1) are qualified by education, experience, and training to perform the services required; (2) have knowledge of the

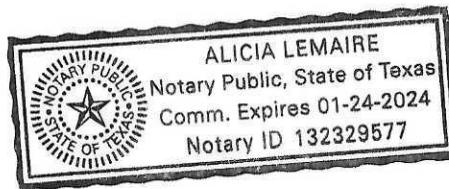


legal system, principles, and procedures; (3) were supervised by an attorney; (4) performed tasks that are traditionally done by an attorney; and (5) performed services that were reasonable and necessary.”

  
Misty A. Hataway-Coné, Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME** on January 26, 2021, by  
Misty A. Hataway-Coné.

  
Notary Public, State of Texas



# **Exhibit 2-A**



## Coné PLLC

1005 Heights Boulevard  
Houston, TX 77008  
USA  
misty@conepllc.com  
<https://www.conepllc.com>  
O: 7139552729  
F: 8062435753

## INVOICE

Number	127
Issue Date	6/2/2020
Due Date	6/2/2020
Matter	Ross Dress for Less, Inc. v. ML Development LP
Email	laurie@mmtxtrial.com

### Bill To:

Munoz, Laurie  
4950 Bissonnet Street  
Suite A  
Bellaire, TX 77401  
United States  
O: 7135230400

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
Communicate (with client) 5/12/2020 Telephone call with Laurie Munoz and Andy McCormick regarding strategic issues associated with answer and possible counterclaims.	Hataway-Cone, Misty	\$275.00	0.40	\$110.00
Review/analyze 5/13/2020 Review, analyze and continue preparation of answer to first amended complaint.	Hataway-Cone, Misty	\$275.00	0.50	\$137.50
<b>Time Entries Total</b>			<b>0.90</b>	<b>\$247.50</b>

Total (USD)	\$247.50
Payment 1237 6/2/2020 Transfer from Iolita Account	\$-247.50
Balance	\$0.00



## Coné PLLC

1005 Heights Boulevard  
Houston, TX 77008  
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misty@conepllc.com  
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O: 7139552729  
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## INVOICE

Number	145
Issue Date	7/1/2020
Due Date	7/1/2020
Matter	Ross Dress for Less, Inc. v. ML Development LP
Email	laurie@mmtxtrial.com

### Bill To:

Munoz, Laurie  
4950 Bissonnet Street  
Suite A  
Bellaire, TX 77401  
United States  
O: 7135230400

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
Communicate (with client) 6/19/2020 Telephone conference with Andrew McCormick and Laurie Munoz re: research needs and discovery.	Hataway- Cone, Misty	\$275.00	0.40	\$110.00
Research 6/22/2020 Review and analyze case law	Hataway- Cone, Misty	\$275.00	3.50	\$962.50
Research 6/23/2020 Continue review and analysis of case law in Texas federal and state courts	Hataway- Cone, Misty	\$275.00	2.50	\$687.50
Communicate (with client) 6/24/2020 Telephone call with client regarding research findings and related strategic issues.	Hataway- Cone, Misty	\$275.00	0.40	\$110.00
Appear for/attend 6/25/2020 Participation in Rule 16 scheduling conference.	Hataway- Cone, Misty	\$275.00	0.20	\$55.00



Time Entries	Billed By	Rate	Hours	Sub
Communicate (with client) 6/25/2020 Brief call with client following Rule 16 conference to discuss scheduling, strategic issues	Hataway- Cone, Misty	\$275.00	0.20	\$55.00
<b>Time Entries Total</b>				<b>7.20 \$1,980.00</b>

Total (USD)	\$1,980.00
Payment 1275 7/1/2020 Transfer from Iolita Account	\$-1,980.00
Balance	\$0.00



## Coné PLLC

1005 Heights Boulevard  
Houston, TX 77008  
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misty@conepllc.com  
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O: 7139552729  
F: 8062435753

## INVOICE

Number	181
Issue Date	8/2/2020
Due Date	8/2/2020
Matter	Ross Dress for Less, Inc. v. ML Development LP
Email	laurie@mmtxtrial.com

### Bill To:

Munoz, Laurie  
4950 Bissonnet Street  
Suite A  
Bellaire, TX 77401  
United States  
O: 7135230400

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
Communicate (with client) 7/19/2020 Review lengthy discovery deficiency letter from counsel for Plaintiff; confer with Andy McCormick and Laurie Munoz regarding discovery	Hataway- Cone, Misty	\$275.00	0.50	\$137.50
Draft/revise 7/24/2020 Begin preparation of affirmative motion for summary judgment.	Hataway- Cone, Misty	\$275.00	1.50	\$412.50
Draft/revise 7/25/2020 Review additional case law	Hataway- Cone, Misty	\$275.00	2.10	\$577.50
Draft/revise 7/26/2020 Continue preparation of motion for summary judgment.	Hataway- Cone, Misty	\$275.00	2.50	\$687.50
Draft/revise 7/28/2020 Review and analyze case law	Hataway- Cone, Misty	\$275.00	3.00	\$825.00

Time Entries	Billed By	Rate	Hours	Sub
Draft/revise 7/28/2020 Finalize draft of motion for summary judgment; review rules and procedures in Rosenthal's court for formatting issues.	Hataway- Cone, Misty	\$275.00	2.00	\$550.00
<b>Time Entries Total</b>				<b>11.60 \$3,190.00</b>

Total (USD)	\$3,190.00
Payment 1327 8/2/2020 Transfer from Iolita Account	\$-1,272.50
Payment 1405 9/15/2020 Check #1027 dated 09-10-2020 in the amount of \$4062.50.	\$-1,917.50
Balance	\$0.00



## Coné PLLC

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misty@conepllc.com  
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## INVOICE

Number	218
Issue Date	9/1/2020
Due Date	9/4/2020
Matter	Ross Dress for Less, Inc. v. ML Development LP
Email	laurie@mmtxtrial.com

### Bill To:

Munoz, Laurie  
4950 Bissonnet Street  
Suite A  
Bellaire, TX 77401  
United States  
O: 7135230400

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
Communicate (with client) 8/16/2020 Confer with client regarding discovery and revisions to motion for summary judgment.	Hataway- Cone, Misty	\$275.00	0.20	\$55.00
Review/analyze 8/24/2020 Begin review and analysis of the deposition of Jerry Bernie.	Hataway- Cone, Misty	\$275.00	1.00	\$275.00
Draft/revise 8/27/2020 Complete review of the deposition of Jerry Bernie; review and analyze exhibits to the same; continue preparation of draft Motion for Summary Judgment.	Hataway- Cone, Misty	\$275.00	3.50	\$962.50
Draft/revise 8/28/2020 Continue preparation of motion for summary judgment; ; confer with Munoz regarding additional changes and need to file matters under seal; review and analyze Magness affidavit; confer via telephone with Laurie Munoz	Hataway- Cone, Misty	\$275.00	2.50	\$687.50
Draft/revise 8/31/2020 Final revisions to motion for summary judgment; cite check tables; shepardize and cite check citations.	Hataway- Cone, Misty	\$275.00	0.60	\$165.00
		<b>Time Entries Total</b>	<b>7.80</b>	<b>\$2,145.00</b>

Total (USD)	\$2,145.00
Paid	\$0.00
Balance	\$2,145.00
I-181 Previous Balance	\$1,917.50
Total Outstanding	\$4,062.50



## Coné PLLC

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Houston, TX 77008  
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misty@conepllc.com  
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## INVOICE

Number	244
Issue Date	10/1/2020
Due Date	10/4/2020
Matter	Ross Dress for Less, Inc. v. ML Development LP
Email	laurie@mmtxtrial.com

### Bill To:

Munoz, Laurie  
4950 Bissonnet Street  
Suite A  
Bellaire, TX 77401  
United States  
O: 7135230400

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
Review/analyze 9/22/2020 Review and analyze Ross Dress for Less response to motion for summary judgment and affirmative motion with accompanying voluminous exhibits.	Hataway- Cone, Misty	\$275.00	1.20	\$330.00
Communicate (with client) 9/23/2020 Preparation for and lengthy phone conference with client	Hataway- Cone, Misty	\$275.00	0.50	\$137.50
Research 9/30/2020 Review and analyze case law regarding	Hataway- Cone, Misty	\$275.00	1.00	\$275.00
Review/analyze 9/30/2020 Review and analyze case law	Hataway- Cone, Misty	\$275.00	0.80	\$220.00
Draft/revise 10/1/2020 Begin preparation of response/reply in support of motion for summary judgment.	Hataway- Cone, Misty	\$275.00	1.20	\$330.00
<b>Time Entries Total</b>			<b>4.70</b>	<b>\$1,292.50</b>



Total (USD)	\$1,292.50
Paid	\$0.00
Balance	\$1,292.50



## Coné PLLC

1005 Heights Boulevard  
Houston, TX 77008  
USA  
misty@conepllc.com  
<https://www.conepllc.com>  
O: 7139552729  
F: 8062435753

## INVOICE

Number	282
Issue Date	11/1/2020
Due Date	11/4/2020
Matter	Ross Dress for Less, Inc. v. ML Development LP
Email	laurie@mmtxtrial.com

### Bill To:

Munoz, Laurie  
4950 Bissonnet Street  
Suite A  
Bellaire, TX 77401  
United States  
O: 7135230400

### Time Entries

Time Entries	Billed By	Rate	Hours	Sub
Draft/revise 10/6/2020 Continue preparation of response/reply briefing.	Hataway- Cone, Misty	\$275.00	2.50	\$687.50
Draft/revise 10/7/2020 Review additional case law in preparation of response/reply; continue preparation of response to cross-motion for summary judgment and reply in further support of motion for summary judgment.	Hataway- Cone, Misty	\$275.00	5.50	\$1,512.50
Communicate (with client) 10/9/2020 Confer with trial counsel regarding additional argument	Hataway- Cone, Misty	\$275.00	0.30	\$82.50
Draft/revise 10/9/2020 Review case law continue preparation of response/reply briefing to incorporate the same.	Hataway- Cone, Misty	\$275.00	0.60	\$165.00
Draft/revise 10/12/2020 Finalize draft response/reply to incorporate final revisions; cite check tables of contents and authorities; shepardize case law.	Hataway- Cone, Misty	\$275.00	1.00	\$275.00

Time Entries	Billed By	Rate	Hours	Sub
Plan and prepare for 10/19/2020 Preparation for oral argument on cross motions for summary judgment, including review and analysis of briefing by the parties, key citations, and exhibits.	Hataway-Cone, Misty	\$275.00	2.30	\$632.50
Appear for/attend 10/19/2020 Attendance in oral hearing on cross motions for summary judgment.	Hataway-Cone, Misty	\$275.00	0.50	\$137.50
Communicate (with client) 10/19/2020 Telephone call with client to discuss hearing and strategic issues moving forward.	Hataway-Cone, Misty	\$275.00	0.20	\$55.00
Review/analyze 10/28/2020 Review and analyze case law begin preparation of supplemental brief.	Hataway-Cone, Misty	\$275.00	2.50	\$687.50
Review/analyze 10/29/2020 Review and analyze additional case law continue preparation of supplemental brief.	Hataway-Cone, Misty	\$275.00	4.50	\$1,237.50
Draft/revise 10/30/2020 Continue preparation of supplemental briefing; telephone call with Clients regarding the same.	Hataway-Cone, Misty	\$275.00	2.50	\$687.50
<b>Time Entries Total</b>			<b>22.40</b>	<b>\$6,160.00</b>

Total (USD)	\$6,160.00
Paid	\$0.00
Balance	\$6,160.00

**McCormick | Landry Munoz, PLLC****Attorneys at Law****4950 Bissonnet Street, Suite A****Bellaire, TX 77401****(713) 523-0400****STATEMENT**

Mike Magness  
 ML Dev, LP  
 2310 Baker Rd.  
 Houston, TX 77094

December 31, 2020

In Reference To: Ross Dress for Less

Date	Description	Amount	Balance
4/30/2020	Invoice #18360	4,160.00	4,160.00
4/30/2020	Discounted Legal Fee	(660.00)	3,500.00
5/22/2020	Payment - Thank You. Check No. 1022	(3,500.00)	0.00
7/1/2020	Invoice #18421	6,819.00	6,819.00
8/3/2020	Invoice #18537	7,162.50	13,981.50
9/1/2020	Discounted Legal Fees (LLM-12.50 Hours @ \$295.00/hr)	(3,687.50)	10,294.00
9/1/2020	Invoice #18601	19,310.91	29,604.91
9/16/2020	Payment - Thank You. Check No. 1028	(10,000.00)	19,604.91
11/12/2020	Payment - Thank You. Check No. 1031	(15,000.00)	4,604.91
12/11/2020	Invoice #18695	10,146.50	14,751.41
12/14/2020	Payment - Thank You. Check No. 2213	(14,751.41)	0.00
	Ending Balance		0.00
	Amount Due		0.00

Please make check payable to **McCormick | Landry Munoz, PLLC** and mail payment to **4950 Bissonnet St., Suite A, Bellaire, TX 77401.**

Current	30 Days	60 Days	90 Days	120+ Days
0.00	0.00	0.00	0.00	0.00

## McCormick | Landry Munoz, PLLC

Attorneys at Law  
4950 Bissonnet Street, Suite A  
Bellaire, TX 77401  
(713) 523-0400

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Invoice submitted to:

Mike Magness  
ML Dev, LP  
2310 Baker Rd.  
Houston, TX 77094

April 30, 2020

Invoice No. 18360

In Reference To: Ross Dress for Less

Professional Services

			<u>Hrs/Rate</u>	<u>Amount</u>
3/30/2020	APM	Reviewed complaint. Legal research regarding claims. Telephone conference with client. Began answer to lawsuit.	3.50 350.00/hr	1,225.00
3/31/2020	APM	Conference with client. Legal research.	1.75 350.00/hr	612.50
4/1/2020	APM	Conference with client. Drafted letter to opposing counsel.	0.75 350.00/hr	262.50
4/7/2020	APM	Reviewed file. Email communication with client. Emailed attorney for Ross.	0.25 350.00/hr	87.50
4/16/2020	LLM	Reviewed file. Reviewed Scheduling Order; calendared court's deadlines.	0.50 295.00/hr	147.50
	APM	Reviewed file. Revised answer with affirmative defenses. Forwarded same to client.	0.75 350.00/hr	262.50
4/20/2020	LLM	Reviewed documents on court's website. Reviewed email from opposing attorney. Draft motion to extend deadline to file answer. Revised answer and counterclaim.	1.00 295.00/hr	295.00
	APM	Reviewed file. Email communication with client. Telephoned opposing attorney's office. Followed up with email.	0.25 350.00/hr	87.50

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Mike Magness

Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
4/21/2020	APM	Reviewed file. Email communications with opposing attorney.	0.25 350.00/hr	87.50
4/22/2020	LLM	Reviewed file. Telephoned consulting attorney regarding research task.	0.25 295.00/hr	73.75
	APM	Reviewed file. Email communication with client.	0.25 350.00/hr	87.50
4/23/2020	LLM	Email communication with Ms. Cone. Forwarded pertinent documents. Received and reviewed order signed granting extension to file answer; calendared deadline.	0.25 295.00/hr	73.75
	APM	Reviewed file. Email communication with client.	0.25 350.00/hr	87.50
4/26/2020	APM	Reviewed file. Email communication with opposing attorney.	0.25 350.00/hr	87.50
4/27/2020	LLM	Received and reviewed notice of resetting; calendared same. Reviewed file.	0.25 295.00/hr	73.75
	APM	Reviewed file. Telephone call with Ms. Cone. Emailed opposing attorney.	0.25 350.00/hr	87.50
4/28/2020	APM	Received and reviewed amended complaint. Email communication with opposing counsel. Reviewed file. Received and reviewed motion for leave. Reviewed letter from opposing counsel.	0.50 350.00/hr	175.00
	LLM	Reviewed file. Email communication with opposing counsel.	0.25 295.00/hr	73.75
4/29/2020	APM	Reviewed file. Email communication with client. Received and reviewed amended complaint.	0.75 350.00/hr	262.50
		For professional services rendered	<u>12.25</u>	<u>\$4,150.00</u>
		Additional Charges :		
4/20/2020	Pacer			<u>10.00</u>
		Total additional charges		<u>\$10.00</u>



Mike Magness

Page 3

Amount

Total amount of this bill

\$4,160.00

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**Please make check payable to:** McCormick | Landry Munoz, PLLC and mail to 4950 Bissonnet St., Suite A, Bellaire, TX 77401. Thanks.

## McCormick | Landry Munoz, PLLC

Attorneys at Law  
4950 Bissonnet Street, Suite A  
Bellaire, TX 77401  
(713) 523-0400

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Invoice submitted to:

Mike Magness  
ML Dev, LP  
2310 Baker Rd.  
Houston, TX 77094

July 1, 2020

Invoice No. 18421

In Reference To: Ross Dress for Less

Professional Services

			<u>Hrs/Rate</u>	<u>Amount</u>
5/8/2020	LLM	Reviewed first amended complaint and compared to original. Forwarded to client.	0.50 295.00/hr	147.50
5/12/2020	LLM	Meeting with client. Discussed case and review of amended petition and answer.	2.00 295.00/hr	590.00
	APM	Reviewed information provided by client. Meeting with Louis to discuss case and to review pleading for filing.	2.50 350.00/hr	875.00
5/13/2020	LLM	Telephone call with consulting attorney. Revised answer for filing.	0.50 295.00/hr	147.50
6/3/2020	LLM	Received and reviewed plaintiff's answer to counterclaim.	0.25 295.00/hr	73.75
6/4/2020	LLM	Received and reviewed email from opposing counsel. Emailed opposing counsel to arrange Rule 26f scheduling conference. Reviewed email with discovery requests, proposed docket control order and agreed protective order.	1.25 295.00/hr	368.75
6/5/2020	LLM	Reviewed file in preparation for conference. Forwarded proposed dates to joint proposed scheduling and docket control order to plaintiff's counsel. Conducted conference with opposing counsel, Nathan White and Paul Genender.	1.00 295.00/hr	295.00
6/8/2020	LLM	Emailed opposing attorney with signed agreed protective order. Reviewed secretary of state's website. Drafted certificate of interested persons and filed same with Court.	0.50 295.00/hr	147.50

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Mike Magness

Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
6/10/2020	LLM	Email communication with opposing counsel. Forwarded changes to joint case management report and requested deposition dates for Jerry Bernie deposition. Received and reviewed plaintiff's certificate of interested persons.	0.50 295.00/hr	147.50
	APM	Received and reviewed joint case discovery management report. Draft notice of deposition.	1.00 350.00/hr	350.00
6/11/2020	LLM	Prepared letter to Paul Genender. Back and forth email communications with opposing counsel on joint case management report. Received and reviewed joint case management report. Made additional revisions. Email communications with opposing counsel. Received and reviewed final joint discovery plan and proposed scheduling and docket control order filed with the Court.	4.00 295.00/hr	1,180.00
6/17/2020	APM	Reviewed file. Drafted initial disclosures.	0.75 350.00/hr	262.50
6/18/2020	LLM	Reviewed letter from Paul Genender. Prepared response letter.	0.50 295.00/hr	147.50
6/19/2020	LLM	Finalized and filed defendant's initial disclosures. Reviewed letter from Paul Genender. Prepare response letter. Telephone conference with Misty Hataway Cone.	0.75 295.00/hr	221.25
	APM	Received and reviewed notice of resetting from court. Reviewed letter from Paul Genender.	0.25 350.00/hr	87.50
6/22/2020	LLM	Received and reviewed agreed confidentiality and protective order signed by Judge.	0.25 295.00/hr	73.75
6/23/2020	LLM	Email communication with consulting attorney f Reviewed case law.	0.75 295.00/hr	221.25
6/24/2020	LLM	Telephone conference with consulting attorney. Reviewed file. Organized and indexed file.	1.00 295.00/hr	295.00
	APM	Telephone conference with consulting attorney. Received and reviewed letter from opposing attorney addressed to judge. Prepared response letter to case manager.	0.50 350.00/hr	175.00
6/25/2020	LLM	Received and reviewed court's minute entry and order setting deadlines.	0.25 295.00/hr	73.75
	APM	Reviewed file in preparation for hearing. Telephonic hearing with Judge Rosenthal.	2.25 350.00/hr	787.50

Mike Magness

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
6/30/2020 LLM Reviewed secretary of state's website. Prepared and filed attorney's affidavit of U.S. Citizens of ML Dev, LP.	0.50 295.00/hr	147.50
For professional services rendered	<u>21.75</u>	<u>\$6,815.00</u>
Additional Charges :		
6/8/2020 Secretary of State - SOS Direct		<u>4.00</u>
Total additional charges		<u>\$4.00</u>
Total amount of this bill		<u><u>\$6,819.00</u></u>

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**Please make check payable to:** McCormick | Landry Munoz, PLLC and mail to 4950 Bissonnet St., Suite A, Bellaire, TX 77401. Thanks.

## McCormick | Landry Munoz, PLLC

Attorneys at Law  
4950 Bissonnet Street, Suite A  
Bellaire, TX 77401  
(713) 523-0400

---

Invoice submitted to:

Mike Magness  
ML Dev, LP  
2310 Baker Rd.  
Houston, TX 77094

August 3, 2020

Invoice No. 18537

In Reference To: Ross Dress for Less

Professional Services

			<u>Hrs/Rate</u>	<u>Amount</u>
7/3/2020	LLM	Reviewed client's responses. Reviewed file. Assisted in preparation of defendant's objections and response to discovery requests.	2.25 295.00/hr	663.75
	APM	Reviewed client's responses. Preparation of defendant's objections and response to plaintiff's set of interrogatories, request for admissions and request for production of documents.	4.25 350.00/hr	1,487.50
7/6/2020	LLM	Reviewed file. Finalized discovery responses.	0.50 295.00/hr	147.50
7/9/2020	APM	Telephone conference with Paul Pilibosian. Reviewed file. Drafted interrogatories, admissions and requests for production. Conference with Mike.	6.50 350.00/hr	2,275.00
7/10/2020	APM	Reviewed documents provided by Mike. Forwarded discovery. Telephone conversation with Mike.	1.00 350.00/hr	350.00
7/22/2020	LLM	Zoom meeting with co-counsel and appellate attorney.	0.50 295.00/hr	147.50
	APM	Conference with client. Reviewed discovery letter from opposing counsel. Legal research . Drafted and finalized response to discovery letter. Zoom conference with appellate counsel	4.50 350.00/hr	1,575.00

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Mike Magness

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/24/2020 LLM	Conference with client. Reviewed original responses to interrogatories and production of documents. Created amended response for each based on discussion with client.	1.00 295.00/hr	295.00
7/30/2020 LLM	Review documents provided by client. Finalize amended discovery responses and forward to opposing counsel.	0.75 295.00/hr	221.25
	For professional services rendered	<u>21.25</u>	<u>\$7,162.50</u>

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**Please make check payable to:** McCormick | Landry Munoz, PLLC and mail to 4950 Bissonnet St., Suite A, Bellaire, TX 77401. Thanks.



McCormick | Landry Munoz, PLLC

Attorneys at Law

4950 Bissonnet Street, Suite A

Bellaire, TX 77401

(713) 523-0400

Invoice submitted to:

Mike Magness  
ML Dev, LP  
2310 Baker Rd.  
Houston, TX 77094

September 1, 2020

In Reference To: Ross Dress for Less

Invoice No. 18601

## Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
08/03/20	APM Review file. Email communication with Misty Cone.	0.25 350.00/hr	87.50
08/04/20	LLM Review file. Finalize notice of deposition of Jerry Bernie.	0.25 295.00/hr	73.75
	APM Reviewed motion for summary judgment with client. Facilitated changes. Reviewed all attachments to summary judgment motion. Conference with appellate lawyer. Began preparation for deposition of Mr. Bernie.	2.25 350.00/hr	787.50
08/06/20	LLM Review file. Conduct additional research on defenses. Draft first amended answer and amended counterclaim to additional affirmative defenses and counterclaim. Draft motion for leave to amend pleading and proposed order. Forward proposed motion to opposing counsel.	1.50 295.00/hr	442.50
08/07/20	LLM Received and reviewed email from opposing counsel, Nathan White. Finalize and file motion for leave with Court.	0.25 295.00/hr	73.75
08/10/20-LLM 08/11/20	Received and reviewed plaintiff's objections and responses to discovery. Download documents produced by Ross.	0.75 295.00/hr	221.25
08/13/20	LLM Review file. Organize documents for trial book and upcoming deposition.	0.75 295.00/hr	221.25
08/15/20-LLM 08/16/20	Review file in preparation for depositions. Organize and mark exhibits to send to court reporter for Bernie deposition.	2.50 295.00/hr	737.50

Mike Magness

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			<u>Hrs/Rate</u>	<u>Amount</u>
08/15/20	APM	Review file. Email communication with Misty Cone.	0.25 350.00/hr	87.50
08/16/20	APM	Review file. Telephone discussion with Misty Cone. Prepare letter to Paul Genender regarding deposition and documents to be used at deposition.	0.50 350.00/hr	175.00
08/17/20	APM	Preparation for depositions of Jerry Bernie and Mike Magness. Received email from Nathan White regarding document re-designations.	3.75 350.00/hr	1,312.50
08/18/20	LLM	Attend deposition of Jerry Bernie. Forward deposition notice of Louis Tsakiris to Paul Pilibosian.	6.00 295.00/hr	1,770.00
	APM	Meet with client. Deposition of Jerry Bernie.	6.00 350.00/hr	2,100.00
08/19/20	LLM	Attend deposition of Mike Magness. Draft letter to Nathan White regarding email previously supplied to opposing counsel.	6.50 295.00/hr	1,917.50
	APM	Meet with client. Present Mike Magness for deposition.	6.50 350.00/hr	2,275.00
08/20/20	LLM	Attend deposition of Louis Tsakiris.	2.25 295.00/hr	663.75
08/21/20	LLM	Received and reviewed response in opposition to motion for leave.	0.50 295.00/hr	147.50
	APM	Review file. Prepare draft of facts for summary for motion for summary judgment and affidavit. Forward to client.	0.50 350.00/hr	175.00
08/25/20	APM	Reviewed file. Prepare draft of affidavit of Mike Magness. Reviewed depositions.	4.25 350.00/hr	1,487.50
08/27/20	LLM	Review file. Reviewed updated draft of motion for summary judgment. Made suggested changes. Reviewed transcript of Jerry Bernie for inserts to affidavit. Revise affidavit of Mike Magness.	2.00 295.00/hr	590.00
08/29/20	LLM	Finalize affidavit and forward to client for signature.	0.25 295.00/hr	73.75
08/30/20	LLM	Reviewed protective order relevant to filing documents that have been marked as confidential. Prepare draft of affidavit for Andrew McCormick. Emailed appellate attorney on status of finalization of motion. Cite check cases for table of authorities.	1.50 295.00/hr	442.50

Mike Magness

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	<u>Hrs/Rate</u>	<u>Amount</u>
08/31/20 LLM Review and proof final draft of motion for summary judgment for filing. Make changes for filing. Draft letter to court to file sealed documents.	2.00 295.00/hr	590.00
For professional services rendered	<u>51.25</u>	<u>\$16,452.50</u>
Additional Charges :		
08/06/20 Pacer		0.80
08/07/20 Pacer		1.00
08/13/20 Photocopies		22.50
08/20/20 Lexitas - Deposition Transcript of Jerry Bernie		805.00
08/25/20 Lexitas - Deposition Transcript of Michael Magness		2,021.30
08/30/20 Pacer		0.60
09/01/20 Postage and Copies		7.21
Total additional charges		<u>\$2,858.41</u>
Total amount of this bill		<u>\$19,310.91</u>
Previous balance		\$13,981.50
Accounts receivable transactions		
9/1/2020 Discounted Legal Fees (LLM-12.50 Hours @ \$295.00/hr)		<u>(\$3,687.50)</u>
Total payments and adjustments		<u>(\$3,687.50)</u>
Balance due		<u><u>\$29,604.91</u></u>

**Please make check payable to:** McCormick | Landry Munoz, PLLC and mail to 4950 Bissonnet St., Suite A, Bellaire, TX 77401. Thanks.

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>
22,785.91	0.00	6,819.00	0.00	0.00

## McCormick | Landry Munoz, PLLC

Attorneys at Law  
4950 Bissonnet Street, Suite A  
Bellaire, TX 77401  
(713) 523-0400

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Invoice submitted to:

Mike Magness  
ML Dev, LP  
2310 Baker Rd.  
Houston, TX 77094

December 11, 2020

Invoice No. 18695

In Reference To: Ross Dress for Less

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
9/2/2020 APM Conference with client.	0.25 350.00/hr	87.50
9/3/2020-APM Conference with Mr. Tsakiris. 9/4/2020	0.25 350.00/hr	87.50
9/4/2020 LLM Review documents produced by Ross. Printed out documents for future review.	0.25 295.00/hr	73.75
9/14/2020 APM Telephone conference with Mike Magness.	0.25 350.00/hr	87.50
9/15/2020 LLM Email communication with Misty Cone's office.	0.25 295.00/hr	73.75
9/16/2020 APM File review. Telephone conference with Mike Magness.	0.50 350.00/hr	175.00
9/18/2020 APM Telephone conference with Mike Magness.	0.25 350.00/hr	87.50
9/21/2020-APM Telephone conferences with Louis Tsakiris and Mike Magness. 9/22/2020	3.00 350.00/hr	1,050.00

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Mike Magness

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			<u>Hrs/Rate</u>	<u>Amount</u>
9/22/2020	LLM	Received and reviewed Ross's response and motion for summary judgment. Email communication with appellate counsel. Email communication with Ross's attorney to request unredacted copy of the response.	0.75 295.00/hr	221.25
9/23/2020	APM	Telephone conference with Mike Magness.	0.25 350.00/hr	87.50
9/24/2020- 9/25/2020	APM	Telephone conferences with Mike Magness.	0.50 350.00/hr	175.00
10/7/2020	APM	Telephone conference with Mike Magness.	0.50 350.00/hr	175.00
10/8/2020	LLM	Received and reviewed proposed response to plaintiff's motion for summary judgment and reply in further support of its previously filed motion for summary judgment by appellate attorney. Draft first amended motion for leave and second amended answer to add additional affirmative defense of accord and satisfaction.	1.25 295.00/hr	368.75
	APM	Conduct research. Forward information to Misty Cone. Telephone conference with Mike Magness.	0.75 350.00/hr	262.50
10/9/2020	APM	Telephone conference with Misty Cone. Email communication with Misty. Revised reply and forwarded changes to Misty.	0.75 350.00/hr	262.50
	LLM	Email communication with opposing counsel.	0.25 295.00/hr	73.75
10/12/2020	LLM	Received and reviewed final draft of response and reply for filing with Court. Drafted proposed order. Filed response with court.	0.75 295.00/hr	221.25
10/14/2020	LLM	Email communication with Misty. Forwarded documents filed in other Ross case.	0.25 295.00/hr	73.75
10/15/2020	LLM	Received and reviewed Ross's objections to motion for leave.	0.50 295.00/hr	147.50
10/16/2020	LLM	Reviewed file. Prepare draft of exhibit list for hearing.	0.50 295.00/hr	147.50
10/18/2020- 10/19/2020	APM	Reviewed motion for summary judgment. Meeting with client. Attendance at zoom hearing.	2.25 350.00/hr	787.50

Mike Magness

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		<u>Hrs/Rate</u>	<u>Amount</u>
10/21/2020-APM 10/22/2020	Telephone conference with Mike Magness.	0.25 350.00/hr	87.50
10/29/2020-APM 10/30/2020	Telephone conference with Mike Magness.	0.25 350.00/hr	87.50
10/29/2020 LLM	Reviewed court's minute entry from hearing. Finalize and file second amended answer.	0.50 295.00/hr	147.50
10/30/2020 APM	Received and reviewed supplemental brief on accord and satisfaction. Made suggested changes and forwarded to Misty Cone.	0.50 350.00/hr	175.00
11/2/2020 LLM	Received and reviewed revised supplemental brief from appellate counsel. Filed same with Court.	0.25 295.00/hr	73.75
APM	Received and reviewed supplemental brief filed by Ross. Telephone conference with client.	1.00 350.00/hr	350.00
11/3/2020 APM	Telephone conferences with Mike Magness.	0.75 350.00/hr	262.50
11/4/2020 APM	Telephone conference with Mike Magness.	0.25 350.00/hr	87.50
11/5/2020 APM	Telephone conferences with Mike Magness.	0.50 350.00/hr	175.00
11/6/2020 APM	Email communication with Paul Pilibosian. Received and reviewed email from Paul Genender.	0.25 350.00/hr	87.50
11/11/2020 LLM	Received and reviewed Ross's amended answer to counterclaim.	0.25 295.00/hr	73.75
APM	Prepared letter to Paul Genender. Email communication with Genender.	0.25 350.00/hr	87.50
11/13/2020 LLM	Email communication with Paul Genender.	0.25 295.00/hr	73.75
APM	Received and reviewed letter from Paul Genender with privilege log.	0.50 350.00/hr	175.00



Mike Magness

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		<u>Hrs/Rate</u>	<u>Amount</u>
11/16/2020	APM Reviewed letter from Genender law firm . Reviewed caselaw provided by Genender. Drafted and finalized correspondence to Ms. Cone and Mr. Pilibosian.	1.50 350.00/hr	525.00
11/19/2020	APM Received and reviewed Judge Rosenthal's memorandum and opinion and final judgment entered in favor of ML Dev. Telephone conference with clients. Telephone conference with Paul Pilibosian and Misty Cone.	0.50 350.00/hr	175.00
11/23/2020	APM Telephone conferences with Louis Tsakiris.	0.75 350.00/hr	262.50
11/30/2020	APM Reviewed information from client. Research Reviewed emails. Reviewed client notes. Drafted settlement letter to Ross. Telephone conference with Mr. Tsakiris.	3.75 350.00/hr	1,312.50
12/4/2020	APM Received and reviewed email from Mike Magness. Email communication with Paul Pilibosian. Email communication with Paul Genender.	0.25 350.00/hr	87.50
For professional services rendered		<u>26.75</u>	<u>\$9,032.50</u>
Additional Charges :			
9/4/2020	Photocopies (1,134)		113.40
9/8/2020	Pacer		0.60
9/21/2020	Lexitas - Deposition Transcript of Louis Tsakiris		944.80
9/22/2020	Pacer		0.70
10/12/2020	Pacer		0.60
10/16/2020	Photocopies		53.90
Total additional charges			<u>\$1,114.00</u>
Total amount of this bill			<u><u>\$10,146.50</u></u>

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